

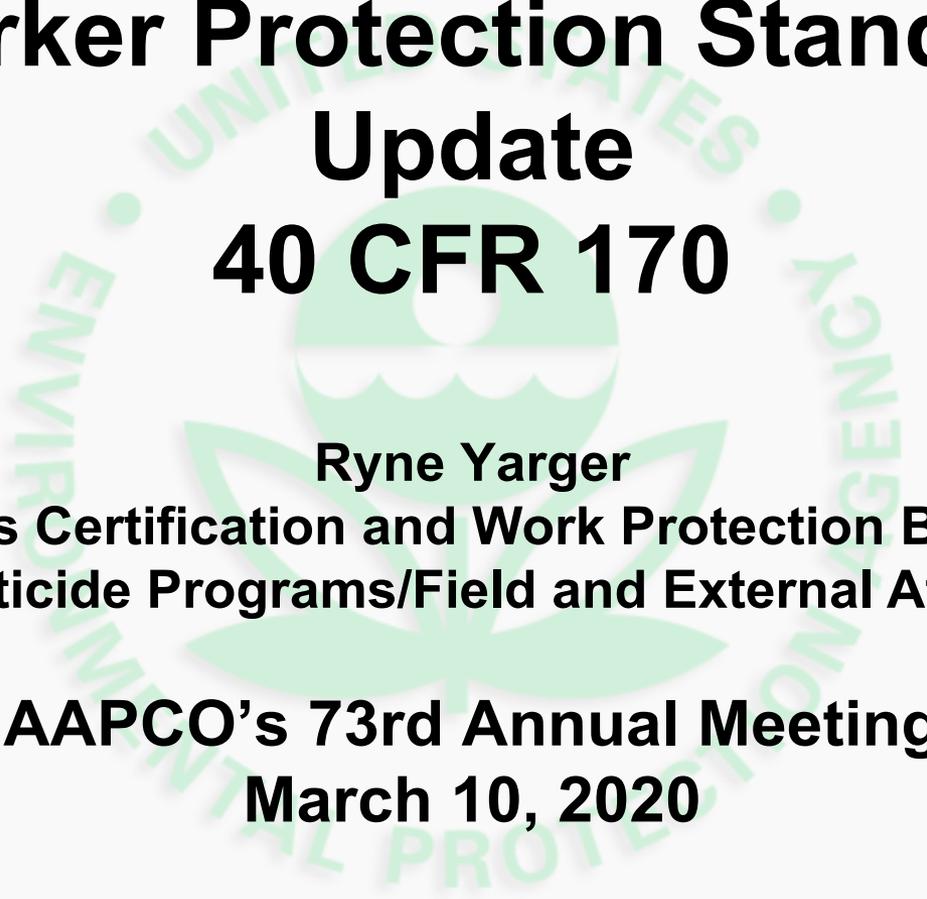


Worker Protection Standard Update 40 CFR 170

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Office of Pesticide Programs/Field and External Affairs Division**

**AAPCO's 73rd Annual Meeting
March 10, 2020**





Outline

- Status of Worker Protection Standard (WPS) Rule/Implementation
- WPS Milestones Since 2019
- AEZ Proposed Revision
- EPA Contacts



Status of WPS Rule/Implementation

- **All implementation dates established in the WPS rule are in effect**
- No delay in the effective dates or implementation timelines
- No changes to the rule before October 1, 2021*
 - As a result of PRIA 4 reauthorization, March 8, 2019
 - *exception - application exclusion zone (AEZ)



WPS Implementation Milestones

- December 2017 Federal Register Notice
 - Confirmed there will be no change to the 2017 & 2018 compliance dates
 - Provided notice of EPA's plan to propose rulemaking to make several changes to the WPS
- June 2018 Federal Register Notice
 - Notice of availability of WPS training materials with new content
 - Use of new training materials with expanded content required by December 19, 2018



WPS Implementation Timeline

9/28/2015
Revised
WPS final
rule signed

11/2/2015
Revised WPS final
rule published in
the Federal
Register.

1/2/2017
**Compliance
required with
most revised WPS
requirements
except:**

- New content in worker and handler training
- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone

1/2/2018
**Compliance
Required with:**

- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone

12/19/2018
**Compliance
Required
with:**

- New content in worker and handler training



Ongoing Efforts to Support WPS Implementation

- Managed six cooperative agreements in FY19, closed one agreement, and established a new one
- Two contracts are underway that are developing outreach materials on available resources and promoting farmworker pesticide safety awareness
- EPA-Approved worker and handler training materials
 - 39 approved training materials
 - 5 currently undergoing review
- WPS-Focused Inspection Pilot
- Reviewing and Replacing the WPS Interpretive Policy Document
 - Updating relevant Q&As to be consistent with the 2015 rule change
 - The following Q&A document will be the replacement of the WPS Interpretive Policy moving forward:
 - <https://www.epa.gov/sites/production/files/2016-04/documents/wps-faq.pdf>



WPS Milestones Since 2019

- March 2019 - PRIA 4 reauthorized for 5 years
 - Prohibits changes to WPS rule until Oct. 2021
 - Exception – EPA can propose and promulgate revisions to the AEZ requirements
 - GAO audit - report due to Congress on use of designated representative by Oct. 1, 2021

- November 2019 - Federal Register Notice
 - Proposed revisions to the AEZ requirements in the WPS



Proposed Rule: WPS Revision of the AEZ

- November 2019 - EPA proposed narrow updates to the WPS to clarify and simplify the AEZ provisions.
- Based in part on implementation issues raised by SLAs and the agricultural community since 2015.
- EPA is proposing to:
 1. Modify the AEZ so it is applicable and enforceable only on a farm owner's property.
 2. Exempt immediate family members of farm owners from all aspects of the AEZ requirement.
 3. Add clarifying language that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ.
 4. Simplify the criteria for deciding whether pesticide applications are subject to a 25- or 100-foot AEZ.
- The “do not contact” provision remains in place



WPS Revision of the AEZ; Continued

- The public comment period closed January 30, 2020
 - www.regulations.gov; Docket ID EPA-HQ-OPP-2017-0543.
 - Over 28,000 comments submitted
 - 126 unique submissions to the docket:
 - 3 mass mail campaigns
 - 96 public comments
 - 10 advocacy group submissions
 - 8 trade association/agricultural stakeholder comments
 - 5 state comments
 - 2 public health comments
 - 1 cooperative extension comment
- EPA outreach efforts during comment period:
 - AEZ Tribal Outreach Calls
 - December 3, 2019, and January 9, 2020
 - AAPCO WPS Workgroup Call
 - December 13, 2019
- Next steps:
 - EPA is currently analyzing comments and preparing responses for the final rule
 - Final rule publication – projected for late Summer/early Fall 2020



EPA WPS Contacts

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Questions?